

### REMARKS

The last Office Action has been carefully considered.

It is noted that claims 15 and 16 are rejected under 35 U.S.C. 102 over the patent to Harman.

Claims 1-5, 7-12, 14-16 are rejected under 35 U.S.C. 103(a) in view of the patent to Bitter in view of the patent to Tsai.

Claim 6 and 13 are rejected under 35 U.S.C. 103(a) over the patent to Bitter in view of the patent to Tsai and Zagar.

At the same time, the abstract of the disclosure is objected to and the claims are objected for formal reasons under 35 U.S.C. 112.

In connection with the Examiner's formal objections and rejections, applicants has provided a new abstract of the disclosure.

In connection with the Examiner's indication in paragraph 5 that the expression "for rotatably and strikingly driving said driven spindle" does

not correspond to the original disclosure it is respectfully submitted that in accordance with the present invention when the striking mechanism is activated through the rotating drive of the drilling spindle with the electric motor a first part 28a of the impact mechanism, and an arresting ring connected rotation-fixed with the drilling spindle on a corresponding, housing-fixed arresting contour of the second part 28b of the striking mechanism is moved, whereby impacts are produced on the drilling spindle.

The electric motor drives the drilling spindle in a striking fashion. This is known in arresting striking mechanisms and can be clearly seen from Figure 1 of the present application. In order to provide an additional clarification, reference numerals 28a, 28b have been introduced on a copy of Figure 1. At the same time, claim 1 has been amended to more clearly define this feature, by saying that the drilling spindle is strikingly drivable through a striking mechanism. The Examiner is respectfully requested to indicate whether the additional reference numerals for parts 28a and 28b are desirable and acceptable, whereupon applicants will be pleased to correct the drawings and the specification correspondingly.

The Examiner further indicated that the expression the arresting device "is uncoupled from strikes of said drilling spindle" is unclear. As disclosed for example in the patent to Tsai a striking impulse from the

striking mechanism is transmitted through the shaft 10 and also through the arresting device to the shaft 60. In contrast, in accordance with the present invention no striking impulse transmission through the arresting device takes place. The arresting device is located outside of a chain of components, through which the striking impulses propagate from the striking mechanism to the tool. This is the meaning of the uncoupling of the arresting device from strikes of the drilling spindle. However, in order to more clearly define this feature, applicant has amended the claims to define that the arresting device is uncoupled from strikes of said drilling spindle so that it is not subjected to the strikes of the drilling spindle. It is believed that this question raised by the Examiner is therefore clarified. It is respectfully submitted that if the Examiner feels that further clarification is desirable, applicants will be willing to amend the claims to define further that the arresting device is located outside of a chain of components through which striking impulses are transmitted.

It should be emphasized that this feature is important feature which patentably distinguishes the present invention from the prior art, in particular from the solution disclosed in the patent to Tsai in which the arresting device is arranged in the chain of components through which striking impulses are transmitted.

As for the Examiner's indication that there is no antecedent basis for the torque transmission in claims 1 and 8, it is respectfully submitted that before the expression "the torque transmission" the expression -- a torque transmission -- is used in preceding lines of claims 1 and 8 and therefore "the" torque transmission does have antecedent basis.

Claim 5 has been amended as suggested by the Examiner. Claims 7 and 14 have been provided for antecedent basis for the "toothed gear" by changing the dependency of claims 5 and 12 to depend on claim 2 and 9 correspondingly. Claims 1, 8, 15 and 16 have been amended as indicated by the Examiner to define that an intermediate shaft is rotatably connected with the drilling spindle.

It is believed that the grounds for the formal objections and rejections are therefore eliminated.

In connection with the Examiner's rejection of claims 15 and 16 over the patent to Harman, applicant again is submitting herewith a translation of the priority document. Therefore it is believed that this reference should be considered as not a valid reference, and the rejection based on this reference should be withdrawn.

As for the Examiner's rejection of the claims over the combination of the patents to Tsai, Bitter and Zagar, applicants wish to make the following remarks.

The patent to Tsai discloses a hand-guided power tool which is similar to the power tool of the applicant's invention, but is considerably different as explained herein above. As mentioned above, in the solution proposed in the patent to Tsai, a striking drive supplies striking impulses to the output shaft through the arresting device.

In contrast, in accordance with the applicant's invention a solution is proposed which is especially suitable for impact drilling machines with a strikingly driven drilling spindle.

The patent to Bitter discloses a hammer and a hammer-drill power tool with a transmission 21. A motor shaft 25 forms an input shaft as disclosed in column 3, lines 54, 55 with which through toothed gears 35, 37, 39 of the transmission 21 an output shaft 43 is driven as disclosed in column 3, lines 66-67. The machine tool disclosed in this reference does not have an arresting device. Therefore it is highly questionable whether a person skilled in the art who familiarize himself with the teaching of the patent to

Bitter can arrive at any solutions which will be close to the applicant's invention. Moreover, the patent to Bitter discloses a special construction of a striking mechanism which can be realized with a small number of additional components and with a low weight, as explained in column 1, lines 56-67 and column 6, claim 1.

If a person skilled in the art familiarized himself with the teachings of the patent to Tsai and Bitter, it is not clear how a person skilled in the art with the teaching of the patent to Tsai which discloses the output shaft subdivided into an input shaft and an output shaft (column 4, lines 13-14 or claim 1 "said output shaft is divided into an inner shaft and an outer shaft") how a person skilled in the art would depart from the patent to Tsai which subdivides the output shaft. The solution disclosed in the patent to Bitter, as explained herein above, has no arresting device at all and therefore there are no suggestions to correspondingly position an arresting device.

If a person skilled in the art starting from the teaching of the patent to Bitter uses the teaching of the patent to Tsai for the solution of the patent to Bitter, he will not arrive at the applicant's invention, but instead would just subdivide the output shaft 43 of the solution disclosed in the patent to Bitter into the inner shaft and the outer shaft.

The same arguments are believed to be applicable to the }  
patent to Zagar.

It is therefore respectfully submitted that the new features of the present invention which are now defined in the independent claims are not disclosed in the references and can not be derived from them taken singly or in combination with one another. These claims should be considered as patentably distinguishing over the art and should be allowed.

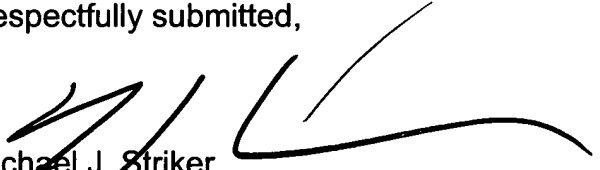
As for the dependent claims, these claims depend on the corresponding independent claims, they share their presumably allowable features, and therefore it is respectfully submitted that they should be allowed as well.

Reconsideration and allowance of present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be

carried out by Examiner's Amendment, and the case be passed to issue. Any costs involved should be charged to the deposit account of the undersigned (No. 19-4675). Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance, he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,



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